

Item#: \_\_\_\_\_

Prepared By: Johnathan Russell

Approved By: \_\_\_\_\_

ORDINANCE NO: \_\_\_\_\_

ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS FOR SHELBY COUNTY, TENNESSEE TO AMEND CHAPTER 14.5 OF THE SHELBY COUNTY CODE OF ORDINANCES TO RETAIN THE SAME ANNUAL EMISSION FEES EARMARKED FOR THE MEMPHIS AND SHELBY COUNTY HEALTH DEPARTMENT'S AIR POLLUTION PROGRAM, WHICH ARE CHARGED TO AIR POLLUTION EMISSION SOURCES FOR THE CALENDAR YEAR 2007 AS A REVIEW OF FUNDS ON HAND INDICATE A CONTINUED BALANCE SUFFICIENT TO FUND THE AIR PROGRAM. SPONSORED BY COMMISSIONER JOYCE AVERY.

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**WHEREAS**, the operation of a local air pollution control program by the Memphis and Shelby County Health Department, which was established in the Shelby County Air Code, adopted on June 30, 1969 by the Shelby County Quarterly Court, and as amended, has served to protect the air quality in Shelby County and efficiently meet the needs of those regulated by air pollution control laws; and

**WHEREAS**, Title V of the Clean Air Act of 1990 requires air pollution control programs that wish to operate a major source operating permit program to establish a fee structure sufficient to fund the direct and indirect costs of such a program; and

**WHEREAS**, the Board of County Commissioners for Shelby County has previously established a fee system to collect and administer emissions fees and annual inspection/operating fees which has also been adopted by the other municipalities of Shelby County; and

**WHEREAS**, the Memphis and Shelby County Air Pollution Control Board recommends the 2007 calendar year emission fee approved rate be set at \$30.00 but with a 10 percent discount to occur for carryover overage from the 2006 calendar year emission fees, so the 2007 calendar year emission fee effective rate is \$27.00, and

**WHEREAS**, an automatic Consumer Price Index adjustment required by the air pollution control code is used to set the emission fee rate unless new fee rates are specified by the Board of County Commissioners, and

**WHEREAS**, the Memphis and Shelby County Health Department has caused to be published on May 16, 2008, in a newspaper having general circulation in Shelby County, Tennessee, notice of the June 13, 2008, meeting of the Memphis and Shelby County Air Pollution Control Board concerning this change.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE:** That the Shelby County Code of Ordinances, Section 14.5-28, EMISSIONS FEE FOR STATIONARY SOURCES, APPENDIX A (EMISSION FEE RATE), Part I., show an annual emission fee approved rate of \$30.00 per ton of actual emissions during calendar year 2007, which does not require changing the text of Section 14.5-28, Appendix A. The annual emission fee shall be reduced by a triggered discount rate of 10 percent so the effective rate is \$27.00 per ton of actual emissions during calendar year 2007. The 2007 emissions fee rate will be noted in Footnote 1 to Section 14.5-28, Appendix A as described below:

<sup>1</sup> This is the effective emissions fee rate (after adjustment for carryover overage) approved by the Shelby County Commission:

APPROVED RATE	ADOPTED IN	EFFECTIVE RATE	APPLICABLE TO
\$29.65	2003	\$29.65	2002 EMISSIONS
\$29.65	2004	\$26.68	2003 EMISSIONS
\$30.63	2005	\$27.57	2004 EMISSIONS
\$31.67	2006	\$28.50	2005 EMISSIONS
\$30.00	2008	\$27.00	2006 EMISSIONS
\$30.00	2009	\$27.00	2007 EMISSIONS

**BE IT FURTHER ORDAINED**, That the provisions of this ordinance are hereby declared to be severable. Should any of these sections, provisions, sentences, clauses, phrases, words, or parts be held unconstitutional or void, the remaining portions shall continue in full force and effect.

**BE IT FURTHER ORDAINED**, that except as amended by this Ordinance, Chapter 14.5 of the Shelby County Code of Ordinances shall remain in full force and effect as previously adopted.

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect fifteen days from and after the date it shall have been enacted in accordance with § 2.06(C)(4) of the Shelby County Charter, the public welfare requiring same.

\_\_\_\_\_  
Chairman of County Commission

\_\_\_\_\_  
A C Wharton, Jr.  
County Mayor

Date \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

ADOPTED  
THIRD READING: \_\_\_\_\_